2: Hudson E-4, 5 (1936) 1938 RQ2 Kazak RQ2

61 enterprising son of some important family to strike out for himself with his herds, his dependents and other bold or dissatisfied individuals who wished to follow him. This seceding group came in the course of time to consider itself a separate and independent uru, known by the name of its founder although still tracing its descent from the parent group. In the beginning relations between such senior and junior groups might have been very close but eventually the self interests of the two groups, and particularly the conflicting ambitions of rival leaders outweighed any claims of kinship.

It now becomes apparent that the term uru may be considered from two points of view: first in a functional sense as applied to one group fairly closely related, living together as an economic and political unit under their own leader; the second, in a purely genealogical sense as applied to any number of groups claiming descent from a common ancestor however remote. Thus in the latter usage of the word all the groups in the D-stratum of our diagram, namely Capek, Davlet, Bajtelb and Qavmen may be considered as one uru by reason of their common descent from Esqoça in contrast to some other group of D-stratum uru descended, for example, from Ekej. Or again all the many independent and frequently hostile groups claiming descent from Abaq can be regarded as one uru in contrast to any group descended from Taraq. But in the sense of functioning economic or political units all the uru of every stratum were separate, equal, and independent groups.

The error of regarding a number of D-stratum uru, for example, as merely branches or subdivisions of the parental C-stratum uru is illustrated in the use of the urans. These were the war cries of uru groups in battle, used also to encourage the champions representing them in horse races and games. If members of the D-stratum uru Capek, Davlet, Bajtelb and Qavmen were at the same time considered members of Esqoça from which they had branched off, they should be entitled to use the Esqoça uran. But this very definitely was not the case. Kargabaiev not only would never think of using the Esqoça uran but could not think of himself as in any way entitled to so do. A member of Davlet definitely did not regard himself as also a member of Esqoça. He only traced his descent from that group. His ability and privilege to do so, however, were of considerable importance. A knowledge of the place of one's own group in the genealogical structure of the whole orda was essential when meeting strangers or for the proper observance of seniority at various social occasions. [576] When meeting anyone the first question was always "What is your uru?" and in reply one gave the name of the last and smallest subdivision which one thought would be familiar to the questioner. If it were unknown to him it would indicate that he was probably from a rather distant group and one would try again with the name of a more inclusive group of a higher stratum. If the encounter was with one of a fairly close group familiar with the name of the immediate uru it would be necessary only to give the names of one's immediate ancestors.

574 61 Hospitality was, to some extent at least, regulated by the seniority of the groups; thus at feasts and general gatherings representatives of several groups who were present were

1 [See cat. 116, pp. 21-22 -- Analysis]

576 The order of seniority is observed: 1) at the division of military booty (oldzha). Even though the man who first captured the booty may wish to take the lion's share of it for himself, those who are senior by birth usually take their share first; 2) in entering the house (nukhtagasyb kiredi, they enter in order) and in sitting down in their places. The most honorable place is opposite the entrance; 3) at the opening of a festivity (tui bystagan), they argue as to who, as senior in the clan, will begin the singing (ulen), for this one customarily receives a gift; 4) in the quality of the food served.

618 The seniority among the hordes, clans and lineages goes by direct
576 line. The last clan of the Great horde has precedence over the most senior clan of the Middle horde, etc. This is justified by the fact that the ancestor was senior (atasy ulkun). (2)

2. Among the Mogols the khans are succeeded by their youngest sons, i. e., those who have not received allotment. Even now the youngest sons, as inheritors of the father's tent (ulkun ui), acquire greater fame from the fact that they arrange the funeral and the wake. Guests and petitioners for the usual gifts and sacrifices come to them. Finally, they enjoy great respect already during their father's lifetime. They are only obliged to honor their elder brothers. After the death of the father the guests appear first in the home of the youngest son in order to honor the memory of the father (arvakh siileimiz, we honor the soul), but for counsel they turn to his elder brother.

The Dzhalair clan is now considerd the senior clan of the Great horde. At feasts when the food is served they ask if there is someone there from the senior clan Dzhalair (nukhtagasy Dzhalair barma?), in order to serve him first. At weddings the Dzhalairs begin the singing, and if none of them are present the Oshakty begin it.

618 /8/ There are indications, however, that at the beginning this clan was not the oldest in origin. Umurbek, bii of the Auliye-Ata uyezd, transmits the following story: Once Dzhalair rode out with orders to take horses from adversaries. Having stored up a large number of halters, (nukhta), he succeeded in driving in far more horses than his comrades. As a result of this, he received the nick name of nukhtagasy, which from that time on began to be used in the sense of elder in the clan. Nukhta-agasy means master or chief of the halters. /The informant/ Torgai, who admits that Dzhalair might have been younger and became senior as heir of his father's changarak /tent ring, i. e. tent/, repudiates

this story, however, on the basis that nukhtagasy does not come from the word nukhta. The Kazakhs of the Oshakhty clan maintain that Oshakty is older than Dzhalair, although the latter has precedence as the lawful (nikeli) son. Yupar Baibishe, the mother of all the clans of the Great horde, from the lust which she conceived for a man who was walking beside her husband, bore a son without relations with him. She thrust the baby into the hearth (oshak), for which reason the people who found him gave him the name Oshakty. After him she bore a lawful son Dzhalair.

It is customary to give certain food to the honored person, i. e. of the senior clan (nukhtagasy), the eldest in the clan or lineage (aksakal), finally the khodja, mullah, etc. If there is some to give, the honored person receives tea, millcakes, fruit (1) and the following

1. Cf. supplement No. 3.

pieces of meat: to the first, the head of the animal (2) or, according

2. The tastiest part of the head is considered to be the nose.

to other people, the head with a flank (ianbas) and a haunch (mykyn), or the head with a flank and hooves; to the second person the flank (ianbas); to the third the thigh-bone (ortan yilik, ortai ilik); to the fourth a leg from knee to shinbone (asyk yilik); (3) to the last the

3. Asyk is the knee pan.

shoulder (dzhaurin). The fat under the horse's mane is considered to be one of the very honorable pieces.

According to data from the Auliye-Ata uyezd, pieces of mutton have the following sequence in degree of honor: the orta yilik /9/ (the thigh bone of a front leg) goes to the young men; the asyk yilik (the leg, knee to shinbone, of a back leg) to women; ker yilik or kari yilik (the knee to shinbone part of a front leg) to the mistress of the house (baibishe); tus (breast) to the groom; iaurin (the shoulder and thighbone of a front leg) to the old men; tokpa (the thighbone of a back leg) to the grown girls (bui yitken kyzdarga); kiuimshak (the tail) to the women and girls.

According to data from the Kurama uyezd, the men receive: bas (the head), kabyrga (rib), umurtka (the vertebrae), bakai (the hoof and the bones over the hooves of all four feet), and the yilinchik (a little

[not translated -- A]

576 above the bakai). (1) The women receive the yanbas (flank), ortan

1. They give the sheep herder the neck (muyun) and the large intestine (kuten).

yilik (the thighbone) and ker yilik (the knee to shinbone part of a front leg).

Sultans, according to the opinion of Sultan Daulet Bushaev are not given heads, even though they are the most honored personages at a feast. It is customary to give them the asyk yilik (the leg from knee to shinbone).

According to bii Khalmakhammed of the Chimkent uyezd, rich men often regale their guests with the three lower pairs of ribs of a sheep, which are called sube kabyrga. They also give their guests kuirukbaur (2) even if they are not matchmakers (cf. chapter on match-

2. A small liver with fat from the fat tail.

making).1

The food, which is brought in on platters, (tabak) is given first to the most honored persons, who say a prayer (pata) such as: auveli kudanyng irzalygina, ikinshi tubanyng kabyllygna (or else murattyng asyyalygyna) mal bastyng bekeretine (for the grace of God, for the attainment of desires, for the thriving of the livestock and the people). When they themselves have eaten, they give what is left to the persons sitting below them. The guest gives (asatady) food from his platter to the host, putting the piece straight into his mouth or into his hand. The The leavings (sarkyt) are left by the guest to the daughter or bride of the host, and if there are none, then to the mistress of the household.

Among the Kirgiz the pieces of the animal are divided into samycha and kolmycha. These go in the following order of honor:

/10/ 1) The head with one flank goes to the aksakal.

2) The fat tail fat with the other flank goes to the biis, manaps, rich men, respected hodjas, etc.

3) Kashka yilik (dzhaurin among the Kazakhs).

4) Yuta yilik (asyk yilik among the Kazakhs).

5) Shivilchak or the shirak (bakai among the Kazakhs).

6) Both shoulders (taly).

7) Kung yilik (the armpits).

8) Kar yilik (the knee to shinbone part of a front leg).

1 [i.e. - Chapter V -- A]

9) Tush (the breast).

10) Muyun (the neck).

11) Ichay karyn (the intestines) are given to children and women, who usually get nothing of the best pieces.

Seniority is not ranked by direct line, i. e., the brother of someone, older or younger, has precedence (ulkun yol) over the son of the same person. Uncles are met with greater honor than nephews. (1)

1. The Khan is succeeded by his brothers, then his sons, then the sons of the brothers.

Before old men (aksakals), i. e., elders, mullahs and influential persons, even of strange clans, they sit properly, do not contradict, and fulfill requests. It is customary to exact an apology and a fine for reviling them or scuffling with them.

If a low person should chance to sit between high ones, he can be ousted or allowed to remain, in view of whether he and his father are good persons or not.

If a high person unjustly abuses an inferior, then a bii may say [683] to him: "Look here. If you do that again, not he but you will be fined."

When a high person beats an inferior, he is not punished for three blows, inclusively. And if the inferior responds with a blow during one of the first three blows, then he must pay a fine. /11/ Envoys are not [648] abused and not killed, according to the proverb: il'chige ulum kharam, death is forbidden to an envoy.

Inferiors, for example, young women, do not walk in front of elders, but go around behind them. If they pass in front of them by necessity, walking or riding, they show them honor (tazim) by greeting them or by some other sign of respect. If a woman bars a road to men, they stop her and force her to ride across behind them (the Perovsk uyezd).

The Tiuri are greeted after the usual salaam by the additional word aldiiar. (1) Of proud Tiuri it is said: it is a bad Tiur who prides

1. Apparently instead of "alla iar", they say "May God be a protector."

himself on an aldiiar (aldiiarga mas bulgan yaman tiure).

To ride up to a person or to a tent at a gallop is considered blameworthy. Such a person is asked reproachfully: "What happened?

576 Did your father die?" They also avoid calling someone from a distance.

/12/ CHAPTER II.

The clan principle. - Custom

618 The enormous importance of the clan principle (1) stems from

1. On the clan origin as the most ancient stage of social development of all peoples, cf. Pervobytnoe Pravo /Primitive Law/ by Makim Kovalevskii, Moscow, 1886, Pt. 1. Clan.

[695] the law of force: the individual finds defence only in his clan. The clan answers for his transgressions. The propitiatory oath is imposed not on the responsible individual but on another person from his clan. (2)

2. Hence a man without a clan or a musafir always risks losing a case, being unable to procure his kinsmen to take the oath.

[672] The exaction of payment is also received not by the person but by
[628] the clan. When wergeld is not paid, not necessarily the murderer,
[581] but any person from his clan is killed. A bride belongs not to a
[429] person but to a clan. A widow goes to the nearest relative of the deceased, and a divorced woman must choose a new husband from the clan of her former husband. The nearest kinsman is always the guardian. Guests are received according to their degree of kinship.

The bearers of the clan principle are the rich men and the senior elders (aksakals). (3) Beyond the names of their direct ancestors and

3. Among the Sarts the aksakal is an administrative figure - a village elder. Among the Kazakhs he is the person in a given place who has the highest authority by blood.

their clan and lineage, the poor know nothing of the distant branches of their kin.

The volost administrators elected by the people retain their posts only when they belong to the strongest clan in the volost.

The decline of the clan principle is marked by frequent litiga-

1. Cf. Supplement No. 5.

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The groom's father regales the guests and distributes to them something from the dowry, tyubetyeikas /skull caps/, etc., and arranges kukbure racing. After /75/ the departure of the guests, the girls of the village bring food and again each one begs something, a chest, a cushion, an amulet (imar). This ritual is called congratulation (kuttuk), and people ride in to it from far away. Animals are given to those from a long distance. In the evening the bride melts fat-tail fat and smears her face with it, and brings the grooms father and mother respect (tazim) and a bow (salem).(1).

1. Communicated by Torgai.

In the Turkestan uyezd it is denied that the bride smears her face. There she only throws fat into the fire, in remembrance of the dead.

When the bride throws fat into the fire, the elders say: be of one accord, like fat (maydoy opatu bul). (Tashkent uyezd).

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As long as the groom's father is alive, his daughter-in-law cannot be in or enter the honored corner (tur). Otherwise her legs will hurt. After the death of the groom's father, the daughter-in-law throws fat in the fire, and then she can be in the tur. (Tashkent uyezd).

The young groom does not avoid the wife's relatives, but visits them without restraint, for all the relatives of the bride, even those the same age, became acquainted with him at the wedding.

For one year the young bride does not go to her relatives "from shame" (uyalib), since now she is wearing not the girl's kerchief but the headdress of married women (yaulyk). She receives news of the health of her relatives and bits of news from her husband. Only in the case of the death of one of her relatives does she go to them to express her condolences (aza tutib).

A good bride both from shame and from respect (uyaladi, izzet klady) avoids the groom's father and all the kinsmen springing from him all her life, according to the proverb: the husband is not respected whose body is seen, the kinswoman is not respected whose face is seen (erding kadryn bil'meydi, etin kuredii, againdyng kadryn bil'meydi betin kuredi).

According to data reported from the Auliye-Ata uyezd, the young wife does not show herself to the older kinsmen of her husband in the third degree of kinship, all the way to the most remote clan affiliation.

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After giving birth for the first time, the woman visits the home of her father (turkundeydi), where she receives gifts, which are not obligatory however. If she does not visit him after the first birth, then she visits him after later ones, but only once altogether.

Circumcision takes place between the age of 1 and 12. It is 852 done by a mullah or a khodja. The circumcision is paid for according to the payer's means, but the payment is obligatory.(1)

1. Concerning upbringing among the Kazakhs, see the article by Ish-Mukhammed Bukin, "Fizicheskoe i umstvennoe vospitanie u Kiegizov" /The physical and mental upbringing among the Kazakhs/, Turkestanskie Vedomosti, 1883, No. 17.

At the celebration of the circumcision (bala kistermek) the rich people slaughter /100/ sheep and arrange a race for which they give kukbure.(1) The celebration lasts three days. Both invited

1. Here kukbure is used in the sense of the kid itself.

and uninvited guests appear at it, and both are required to bring sheep, money and things with them.

A good wife, even when she is a bride, should not call her 576 husband's relatives (kain) by name, out of decency, nor the entire 561 lineage up to that circle of kinship within which marriages are permitted. She must call them by their appellative names, for example, father-in-law (ata), master (mirza), etc. A less modest woman calls them by their names, but only when alone with them. It is also indecorous, although not so reprehensible, to mention the names of the husband's relatives in talking. There is an anecdote (according to Torgai and also in Budagov) according to which an elder wished to test the inventiveness of the women in descriptive expressions and gave his sons the names of the most commonplace objects: Rushes, Water, Wolf, Sheep, Knife, Grindstone. Once a wolf stole a sheep between the water and the rushes, and the bride cried: "Bride's father! Bride's father! Beside the babbling, in front of the stakes supporting the plants, the howler is eating the bleater. Bring that with which there is tinder around the point" (ata! ata! saldyramanyng aryyagynda, sildiramanyng bere yagynda mangramany uul' ma:ch yatyr yanymany bilemege bileb bileb alyb kele koyyngyz).

The custom described exists among all Kazakhs and has not completely disappeared still among the Chalia Kazakhs, i.e., the

551 semi-Kazakhs, the sedentary Kazakhs who have become Sartizized.

Incidentally, let us recall here the opinion, heard among Russians that among the Kazakhs there exists a prejudice against giving the name of the wife, when asked for it, as well as against naming the exact number of heads of their livestock. The veracity of this is disputed by Khudaikul, who adds, however, that the sharp tone of the question and the persistent demand can cause evasiveness (kulyk). On this matter E. A. Aleksandrov reports from Kazalinsk: " Not only the rich but in general /Inserted page. Picture. Caption: Bii Sultan Kanaev of the Chimkent uyezd. Drawing by Akhmatov/1 /101/ the Kazakhs do not say the number of their livestock, for fear of attracting the wrath of the gods. It is not even acceptable to say the number of one's children, for the same reason. "

/102/CHAPTER VII.

The use of land and water. - Nomadizing. - Hospitality. - Common property. - Assistance.

Before the Russian dominion, land was not considered personal property. It belonged to a person only as long as he was on it, or cultivated it. To this day in the northern uyezds land is not transferred by inheritance. The son who receives his allotment in the Auliye-Ata uyezd does not receive a share of the land, of which there still is much in the uyezd. The land remains to the unalloted sons. In the southern uyezds tilled land and land sectors of all sorts are transferred by inheritance.

In the Perovsk uyezd, summer camps, winter camps, the grounds appended to them etc., are more and more associated to certain communes and divided among them. The canals, with the land irrigated by them, belong to those who operate them and their heirs.

Among the Kirgiz only those sectors are sold on which there are trees and buildings. They abandon ploughed fields when they depart. These become the property of the person who occupies them.

Summer camps and winter camps are occupied by the Kazakhs by rights of hereditary use. The construction of canals, farm houses, buildings and gardens transforms the land into private property. Shares of lands do not exist. The winter camps are primarily in places where saxaul, shrubs or rushes grow. The summer camps are in cooler places, i. e., further north or in the mountains.

Land use, by this system, is not distributed equally and is found

1 [Not reproduced --A]

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herding and because of your estrangement from sedentary life with its commerce and bazaars where every traveler, no matter where he comes from, can find shelter and means of life for pay, it will be difficult for you, especially when your descendants are multiplying, to travel from one to another with your own food supplies. You do not carry your own sheep with you on a day's journey, much less carrying a beast on a long journey, especially with your manner of riding a-stride. And therefore here is ny eternal testament to you. Do not take pay for food on your mutual visits to each other. Always be with each other like invited guests. In this way you should have the right of kunakasy or shelter and food as a gift without pay each from the the other. Take one quarter of the property remaining with me for this, and consider this no longer as hour own property but as common property and as an inchi which is never divided among you until the end of eternity." May it be so. We will not forget your /113/ testament was the humble answer of the children of the noble Alasha, founder of the clan.

According to the report of bii Mikebai (of the Perovsk uyezd) the master of a tent pays wergeld for a guest who dies of hunger, and for his horse which dies of hunger, he pays another horse. This does not happen now (according to Kunakbai, of the Auliye-Ata uyezd). At least in the year of the rabbit, many died of hunger, but there were no suits for not having given kunakasy. Among the Kirgiz they also do not pay wergeld and do not pay for a horse which has died of hunger.

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When they hear of the coming of a guest, those closest to the tent bring their mite on their own initiative for the kunakasy. Urban Kazakhs (of Auliye-Ata and Tashkent) give their guests only shelter, and for food the guests go to the bazaar themselves. The Kirgiz leave the welcome guest alone with the feast. It is the business of the guest to invite the host in or to give him the leftovers (sarkyt)

The attitude of the Kazakhs to hospitality is indicated by the proverb: "If a guest stops once, this is happiness, if he stops twice it is misfortune." (kunak br konsa kutteki konsa dzhut).

The host only answers for the safety of the guest and the protection of his property if they are not at war, or in a feud or in personal enmity. Nevertheless there are cases (according to Torgai) where a plaintiff appears in his adversary's tent, and people there exhort the master of the tent to forgive the offense, since they say, the appearance in the tent is a sign of submission and honor is now satisfied (aldynga kel'geni namusyngnyng bitkeni). They advise him to forgive the adversary, recalling the proverb: "If someone comes in to you, forgive him even the wergeld for your father" (aldynga kelgende

574 atangnyng khuny kitse de kish).

576 For insulting a guest a complaint is made on a general basis, although it is advised to argue with him, and not to offend him (azar bermek) in accordance with the proverb: "When they come into your tent, do not speak forth your claim, even though it be as big as the tent" (uinge kelgende uydey dauyng bulsa da aytpa). To call a guest or a person hiding from the pursuit of evildoers a thief or a criminal for no reason, and to take him /114/ to the authorities is not reprehensible if the guest is not a close kinsman. The right of sanctuary is known (1) to the Kazakhs and Kirgiz. A

1. Levshin states the same, Part III, p. 82.

thief and someone accused of thievery is not accepted as a guest and is handed over to the person who demands his delivery. If (according to Abdrakhman) a man who is pursued by an enemy asks protection in some tent, and his enemy enters the tent, then both are driven out and left to cut each other up in the steppe. However, this depends on the personal qualities of the master of the tent.

The responsibility of the host for anything stolen from the guest is now more in vogue than it was previously.

When a newcomer, known or unknown, stops before the setting of the sun at some tent, the master of the tent either slaughters a sheep for his regalement or makes amends to the guest with kind and welcoming words. If the guest considers the latter short shrift and he himself slaughters a sheep from the herd of the owner of the tent, the guest will be judged as in the right and the host guilty. (Report of bii Shanchi Chinybekov of the Auliye-Ata uyezd).

[422] 612 The community of property of the Kazakhs is founded on the clan principle. The closer the circle of kinship, the more the members of it use each other's property without control. Children take from their parents what they need or what is pleasing to them. Thievery in the circle of the family is only called "taking away secretly" (yasyryb algan). Nephews on the wife's side (dzhien) always steal from their uncles (taga), according to the saying. The brother-in-law (the sister's husband - yezna) and the uncle, in accordance with their powers, add (kosady) their share to the kalym. Mutual suits among matchmakers are examined by the biis very unwillingly. They are reconciled directly on the basis of kinship (biis' books of the Perovsk uyezd). Male first cousins on the father's side (nemere) support each other by livestock without incurring a debt, by the ad-

self.

If the youngest among the travellers finds a coat, cap /tyubeteyka/ or other parts of clothing, he gives what he has found to the eldest, on the demand of the others. If all are of the same age, the thing found is given to the person of the white bone. If there is no one belonging to the white bone among them, it is given to the guest, i. e., the person of a strange clan. If there is no guest, it is given to the mullah. If there is no mullah, it is given to the married man, because married men are in general senior to bachelors. If all are married, it is given to him who married earliest. This giving out of clothing is called baylagan.

If a fox is seen in a strange trap (kakpan), the finder takes it for himself and leaves the trap. To take the trap is to steal, but taking the fox is not stealing. (1) Even in /122/ court when the

1. If an owner of a trap or a hunter with a dog catches a first fox, and if a Kazakh who rides by by chance, even a stranger, announces that he needs it /122/ for a gift or for the success of his future hunting, the hunter gives it to him. In case he refuses he pays a fine.

trap is required to be given up, it is never demanded that the fox taken at the same time be given back.

If a hunter (mirgen) kills a wild ass before others, he gives its back (sauri) to the oldest of these, or to the mullah, and in general as was related above. The giving up of the animal which has been shot is called syralyga. (All the above information from Torgai).

In the Perovsk uyezd, money, clothing, strange livestock joining the herd, etc., which are found, remain with the finder, and it is brought to the knowledge either of the supposed owners or of the authorities. Then the find is given back to the owners for syuyunchi, which is equal to one-tenth or one-twentieth of its value, i. e., approximately four times less than when it is taken from a thief. They are given back to kinsmen without pay. If the owner of the object does not declare himself in one or two years, the object found becomes the property of the finder. If the find was not announced to the public (dzhau kege shygarmak) with the purpose of appropriation, and then the owner of it appears, then the object, or if it no longer exists the value of it is returned to the owner, with all his court expenses, but without a fine. The concealment of a find from the investigation of an owner is considered thievery.

425 576 425 224 224 425 [685]

entrusted for safe-keeping before it is accepted (the Kirgiz Kurpetai Dauletkulov). 422

When someone migrates with his herds into a strange winter camp, he usually asks its owners to give him a place on the conditions of amanat. At first they refuse him. Then he promises to repay them. After this, in part for the sake of a good deed (savab), and in part for profit, they give him a place, but for no more than one year. 426

In contradiction to Makovetskii, according to Torgai it is not customary to lend out milking animals for money. Oxen, horses and camels are lent out on shares (seriklikke) for agriculture.

/124/ If an animal which has been taken as an amanat is returned in a very emaciated condition which makes its owner think that it will not live through the winter, then the person keeping it for safe-keeping promises to feed it until the spring. 422

* * *

Something which was given or contributed for a pious (nazr) or charitable (kudai) end is not returned, nor is a gift intended to honor a superior (izzat) or a inferior (inam) person. 431

Clothing given by highly placed personages should be worn during presentations to these persons. [576]

Gifts for friendship, called kolka, are subject to return if they are not reciprocated for by similar gifts in the course of a certain time (Auliye-Ata uyezd). Among the Kirgiz, stealing one's gift back is punished like ordinary stealing. According to Torgai, the bii says to the thief: "Why did you give it away? Now it is already his property." The defendant replies: "My relatives did not consent to the gift which I gave. I was ashamed to demand it back, and therefore I stole it." The bii either requires him to return the stolen object to the one to whom it was given, without a fine for stealing, or else sentences him to a fine, without returning the object, since the thief was its owner. [685]

If someone is driving military booty, those who encounter him say say: "Hey heroes, give us sauga! (1) Then it is obligatory to give up

1. Among the Kazakhs sauga means a gift asked from those returning from war (according to bii Khalmakhammed). Among the Sarts, however, sauga or saugati means the same as what the Kazakhs call bazarlyk.

a horse, sheep or some other object.

The withdrawal of trust (isenimsizdik) is not imposed by the court but is a natural consequence of a crime. Every blameworthy misdemeanor is accompanied to a greater or lesser degree by a forfeiture of trust. 681

The Kazakhs, like the Kirgiz, did not betray criminals in their midst, for specific fines exist for crimes. But the Kirgiz sold criminals to the Kazakhs and vice versa, and also the Sarts sold them to the Kazakhs and Kirgiz for a ransom, i. e., a fine, the sum of which was not determined by custom but was designated arbitrarily. If the kinsmen could not pay the sum demanded, because of poverty, or did not wish to because of repeated stealing, this gave the right to kill the criminal.

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/249/ Entering a tent.

To ride past the doors of a tent (aldynan yuru) and not behind it, is considered impolite. If a newcomer stops only at the very doors, having already passed two panels / reshetki / of the tent (yeki kanat kerege), they say to him scornfully: What do you think you are, a chief? 596.

It is necessary to stop and tie the horse behind the tent, and then to call the masters with the words: Syuyles! Adam barma? (I wish to begin a conversation; is the master here?). But this custom is now observed less strictly.

If a horse tied up in front of a tent kicks a child, a fine is paid of 1/4 the value of the horse, i. e., 5 rubles (because the leg is one of four extremities), while if the child is killed, a full wergeld is paid. But if the horse kicked it behind the tent, the fault is laid to the child which went back there. Even if the horse kicked it to death, only the value of the horse would be exacted, or if there were aggravating circumstances which were the fault of the horse's owner - 1/2 a wergeld. [672]

Entering a tent in the absence of the owners (otagasy) by one who is not a relative, is not regarded as nice. He is reminded of the fact that in case of loss the suspicion will fall on the person who has entered.

Unfastening the doors (of reeds - esik, of wooden folds - ergenek) in the absence of the owners is regarded as an act which

571 is worthy of note.

On solemn occasions, entrance to the tent is made in order of seniority.

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The support of the poor.

735 The aksakals collect food for the poor, exhorting everyone to give tengry khaky or kongsy khaky, i.e., alms /250/ to which the beggars have a right in the name of God or in the name of being in the neighborhood, even though for a short time, especially since as they wander about a great deal they will spread the fame of the benefactors in distant places. Those of the poor who have the strength to walk about the world beg for alms themselves. The customary law does not prohibit mendicancy. Women give alms with special eagerness.

In the belief of the Moslems, the prayers of the poor are heard by God. Altynalma dua al, dua altyn imes me? "Do not take gold, 732 take a prayer. Is not a prayer the same as gold?" (1) The blind,

1. Proverb.

cripples, etc. live with their relatives, who are forced to support them by the aksakals and biis on the basis of kinship. They say "this defect is from God." But if the kinsman himself has nothing, he leads the other about the world.

• • • •

Clergy and schools.

344 There are no large mosques in the steppe. They are organized in buildings (tam), but not in tents (uy). The namazi-dzhuma, the solemn divine service, is rarely read in them.

793 The Kazakh imam (prior), when he has finished studying at the religious seminary / medrese / is invited by someone who has built a mosque, or by that person's heirs. He is not promised a specific sum as an income. The income of the imam consists 1) in the offerings of the parishioners in natura (astyk) at the time of the harvest, to the amount of one-tenth of the harvest; 2) in dona-

[189 cont.]
our border by Kazaks of the Little Horde. Such were the first proofs of the [190] protection of our trade in Asia promised by Khan Abulkhair.

A second proof of the impotence of the princes, or rather the Kazak chiefs, was seen in 1740 when Karasakal, chief of the Bashkir rebels, fled beyond the Yaik with his accomplices. The Khan and the sultans absolutely refused to arrest these deserters.

All these circumstances, and particularly the pillage of the caravans, caused Abulkhair to be embarrassed about appearing in Orenburg in 1740 for a meeting with Prince Urusov, and he sent excuses that he was ill and too far away.

To these two reasons, which he gave openly, a third must be added, which was secret. He knew that at this time Abul Mahmet, new khan of the Middle Horde, was expected in Orenburg. This man was his enemy and one over whom he had pre-eminence, and he was afraid of seeing the other treated as his equal. But in order to avoid reproaches and dispel suspicions, he sent the Sultans Nurali and Erali, his sons, to Prince Urusov.

On this occasion they were received with all the honors which had been shown their father two years before. The Kazaks who accompanied them were also treated with special regard. Seventy-five elders dined at the table of the chief [Prince Urusov?], and food and beer were distributed to the persons of their suite outdoors.

Although Sultan Nurali was at that time a grown-up man, yet his father had given him as a preceptor during his trip to Russia a man, Batyr Djanibek, who was universally esteemed among the Kazaks and known for his wit. He was received in Orenburg practically as an equal of the sultans, and with them received rich gifts at the first meeting in the name of the Russian government.

The first visit of the Khan's sons to Prince Urusov was only a ceremonial visit and an exchange of pleasantries. At the second meeting the affairs of the horde were discussed. [191] They explained that the first caravan sent by Tatishchev was pillaged by the Great Horde, over which they had not the slightest influence.

[199 cont.]
of Abul Mahmet. When the interpreter Urazlin arrived, sent him by Nepluev, Abul Mahmet frankly admitted the reason for his sudden return from the outskirts of Orenburg and then confessed that fear had made him give his son as hostage to Galdan, after which he swore loyalty to Empress Elizabeth. It was in this same year of 1742 that Barak, the powerful Kazak sultan, swore the oath to the Russian government for the first time, at the same time as Abul Mahmet. He was the leader of a large part of the Middle Horde, and his subjects gave him the title of khan.

As an independent sovereign, he sent deputies to Orenburg after the oath with the request that they be directed to the court, so that they might present his respects to the Empress in person and in his name.

Several months later he showed how insincere this submission was. His deputies were presented to Elizabeth, allowed to kiss her hand, and were overwhelmed with favors and gifts. He himself was sent, through the government of Orenburg, a letter (1)

1. This letter was presented March 24, 1743.

and a golden saber with an inscription to him. Nepluev, who had never seen Barak and knew that he had had no previous relations with Russia, felt obligated to deliver the marks of favor from the Empress, and with this intention he sent him a messenger, who left with his ambassadors to invite him to come to Orenburg.

[200] The proud sultan was angry because the letter and the saber had not been brought by his own embassy and ordered various rude things said to Nepluev's officer, sending him back without having seen him. The primary cause of the gross insolence can only be attributed to Barak's blind pride, and the secondary one can be considered to be the fact that no other gift except the saber accompanied the letter.

Sultan Ablai, who had languished about a year as a prisoner of the Dzungars, was finally liberated in the spring of 1742, thanks to the efforts of Major Müller, who had been sent to Galdan.

1: Washington S-4 (no date) 1956 AF13 Northwest China
Sinkiang AI1
Kazak RQ2

/The Kazakhs/

S 563 K 685 One custom peculiar to the Kazakhs involves stealing. The Kazakh will steal only from someone who has been unfriendly toward him, and generally he will steal only animals, which cannot be well hidden. The idea behind the act is to show courage, and if the theft goes unnoticed, the thief feels proud of his cleverness. Once the theft is discovered, however, the thief willingly admits he has been outwitted, and submits to punishment. It is customary for the apprehended thief to repay nine times the property stolen; that is, if he has stolen one sheep, he must give its owner nine sheep.

S 563 K 574 The Kazakhs are noted for their hospitality. In theory, they must keep what amounts to open house for travelers, including enemies and strangers, and a guest may stay indefinitely without paying for food or lodging. It would be very bad form for a host to ask a guest to leave. Furthermore, the welfare of the guest is the responsibility of the tent owner. A traveler may claim damages if he has suffered from hunger or exhaustion in the vicinity of any camp ground.

Obviously such laws of hospitality impose a heavy burden upon the host, and for that reason the Kazakhs try to avoid camping near routes of travel. Some even conceal their tents behind the hills. In practice, the traditional hospitality is kept only by the wealthy, and then, "A visitor is treated well or ill according to the importance of his 'tribe' and the number of his ancestors." (Hudson 1938: 73.) That is, for a guest of importance the host would kill a sheep, whereas a poor visitor would be served only tea or milk.

K [556] [554]

S 563 K 608 Sworn brotherhood is a practice prevalent among the Kazakhs, a relationship which may be formed between two persons of different blood groups. A very solemn ceremony takes place when two persons take the oath of brotherhood. They may swear on the Koran, or "embrace one another over the blade of a sword or with a dagger at the throat of each other, taking oath that they would be friends to one another for a specific time or for life." (ibid.) Such brothers share each other's happiness or sorrow, and personal and family property. The offspring of the sworn brothers may continue this relationship. Women, too, may fraternize in this way, and it is said that the relationship may even be formed between two persons of the opposite sex.

S 563 K 576 264 574 [171] The Kazakhs practice the same etiquette as the New Uighurs, with a few noteworthy variations. At feasts, the animals to be eaten are always killed in the presence of the guests, to honor the guests and indicate that they are being offered the best. Another strict custom, observed by both men and women, is to wear a hat or cap at meals. If a guest has forgotten his hat, he is given a stick of straw to adorn his head. To eat bareheaded is an insult to the others present.